



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Sean Fitzgerald,
Program Development Specialist,
Community Service (C0888W),
Ocean County

Examination Appeal

CSC Docket No. 2019-947

ISSUED: October 31, 2018 (RE)

Sean Fitzgerald appeals the decision of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements for the open competitive examination for Program Development Specialist, Community Service (C0888W), Ocean County.

The subject examination had a closing date of August 6, 2018 and was open to residents of Ocean County who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in the development of programs designed to solve socio-economic needs of residents for the State and/or local communities which shall have included responsibility for research, negotiation, and/or writing of proposals for community service programs. Applicants who did not possess the required education could substitute experience on a year for year basis. Possession of a Master's degree from an accredited college or university with concentration in the field of human or social services could be substituted for the experience. The appellant was found to be ineligible based on a lack of experience. As there were no admitted candidates, the examination was cancelled on September 28, 2018.

On his application and resume, the appellant indicated that he possessed a Bachelor's degree, which satisfies the educational requirement, and he listed one position on his application, Supervisor, from January 2014 to August 2018. He also added a letter providing a list of his duties in his provisional position and as an Animal Attendant from May 2011 to December 2013. Official records indicate that

the appellant was hired as an Animal Attendant in April 2012, and received a provisional appointment in the subject title on January 16, 2014. On a resume, the appellant listed these two positions, and two other positions as a Lifeguard. None of his experience was accepted, and he was found to be lacking one year of qualifying experience.

On appeal, the appellant states that he exceeds the experience requirement with his provisional experience, and he again provides a longer list of duties than those originally submitted. Lastly, he states that his coworker applied for and was admitted to an examination for the same title, and now holds a regular appointment, although she performs the same duties as his. It is noted that the appellant has submitted differing duties for his provisional position for examinations for Buyer (C0004U), Program Monitor (C0821U), and Claims Investigator (C0506S).

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

The appellant was correctly deemed to be ineligible for the subject examination since he lacked one year of required experience as of the August 2018 closing date. On his application, the appellant provided a list of duties for each of his positions. The appellant indicated that, while serving as a Program Development Specialist, Community Service, he was responsible for analyzing legislation pertaining to animal rights, services and programs; supervising and coordinating staff; preparing correspondence; overseeing a survey tool of data of impounded animals; educating the community and various groups; identifying service gaps and areas of needed improvement; coordinating existing services with other agencies and assisting community organizations; organizing volunteer groups; developing a “shelter flow” of animals, supplies and staff; receiving and resolving complaints; and assisting in the transition from paper to a computerized system of work flow.

The duties listed appear to mimic the Examples of Work from the job specification for the title under test; however, viewed holistically, the appellant appears to be managing an animal control facility and networking for the placement of animals, and educating the public on the treatment of animals. The appellant’s prior experience as an Animal Attendant, and Life Guard are clearly inapplicable. The appellant was correctly deemed to be ineligible for the subject examination since he lacked one year of required experience. Also, given the variance between his duties and his provisional title, Agency Services should perform a classification review of this position.

It is noted that one other employee for Ocean County has the title Program Development Specialist, Community Service. A review of the duties of that position, as listed by the applicant on an application for a prior examination for the subject title, reveal that they are substantially similar to the appellant's duties so as to warrant an audit of that position as well.

An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that the appointing authority provide Position Classification Questionnaires to Agency Services detailing the duties of the two positions of Program Development Specialist, Community Service within 30 days of the issuance of this decision so that appropriate titles can be assigned.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 31st DAY OF OCTOBER, 2018



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